

From: Hall, Lynda
To: Psyk, Christine; Joelle Gore
Sent: 9/4/2014 6:48:11 PM
Subject: FW: Jeff Dillen's comment on the draft OSDS rationale (OR CZARA)

Ex. 5 - Attorney Client

Sent from my Windows Phone

From: Sweeney, Stephen
Sent: 9/4/2014 4:00 PM
To: Carlin, Jayne; Waye, Don; allison.castellan@noaa.gov
Cc: 'jeff.dillen@noaa.gov'; Byrne, Jennifer; Henning, Alan; Goo, Robert; Hall, Lynda; Psyk, Christine; Joelle Gore - NOAA Federal
Subject: RE: Jeff Dillen's comment on the draft OSDS rationale (OR CZARA)

Ex. 5 - Attorney Client

From: Carlin, Jayne
Sent: Thursday, September 04, 2014 11:36 AM
To: Waye, Don; allison.castellan@noaa.gov
Cc: 'jeff.dillen@noaa.gov'; Sweeney, Stephen; Byrne, Jennifer; Henning, Alan; Goo, Robert; Hall, Lynda; Psyk, Christine; Joelle Gore - NOAA Federal
Subject: RE: Jeff Dillen's comment on the draft OSDS rationale (OR CZARA)

Don,

I agree. I imagined our decision document would focus on the disapproval; therefore, we only would include the forestry rationale as our basis for our disapproval. In separate correspondence with the state, we would include our current thinking on the rest of the conditions, including our current rationales on OSDS and New Development (and possibly Ag). We can decide whether to keep silent on our proposed finding for OSDS and just provide the updated rationale or whether to note that Oregon satisfied the condition (knowing that we can change our position or the rationale if new information becomes available before we make a final decision on the program). Would be good to include this part of the discussion at the managers meeting.

Jayne

Jayne Carlin, Watersheds Unit
US EPA, Region 10

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Seattle, WA 98101-3140
(206) 553-8512, (206) 553-0165 (fax)
carlin.jayne@epa.gov

<http://www.epa.gov/r10earth/tmdl.htm>

From: Waye, Don

Sent: Thursday, September 04, 2014 8:10 AM

To: allison.castellan@noaa.gov

Cc: 'jeff.dillen@noaa.gov'; Sweeney, Stephen; Byrne, Jennifer; Carlin, Jayne; Henning, Alan; Goo, Robert; Hall, Lynda; Psyk, Christine; Joelle Gore - NOAA Federal

Subject: Jeff Dillen's comment on the draft OSDS rationale (OR CZARA)

Allison, others,

With regard to the highlighted sentence below...

Yes. Jeff found my one big typo—or more specifically—I just forgot to update that one important decision statement after crafting an entire rationale around it. So, here's the edit that should have been made:

PROPOSED FINDING: Oregon has ~~not yet~~ satisfied this condition.

I was thinking that we would not mention OSDS or New Development at all in the January 2015 Decision Document, and just include the OSDS & New Dvpt. interim decisions and rationales in separate correspondence to the State (and with a copy to NWEA). But I am not opposed to including some short statements about OSDS and New Dvpt in the public decision document next January. I guess this is a question for our management.

Don Waye

U.S. EPA - Nonpoint Source Control Branch

Phone: 202-566-1170

From: Allison Castellan - NOAA Federal [<mailto:allison.castellan@noaa.gov>]

Sent: Tuesday, September 02, 2014 5:08 PM

To: Waye, Don

Cc: Carlin, Jayne; Henning, Alan; Wu, Jennifer

Subject: Re: [REDACTED]

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Don--

I think your options look good. For #3 and #4, by "accept" do you envision an "interim approval" or would this be handled somewhat differently, such as it's not a basis for disapproval and here's why....? If interim approval, I think this would need to be handled outside of the Jan. disapproval decision doc.

Ex. 5 - Deliberative

On Tue, Sep 2, 2014 at 3:32 PM, Waye, Don <Waye.Don@epa.gov> wrote:
Alan and Program Team,

Ex. 5 - Deliberative

Don Waye
U.S. EPA - Nonpoint Source Control Branch
Phone: 202-566-1170

From: Waye, Don

Sent: Tuesday, September 02, 2014 1:10 PM

To: Carlin, Jayne; Croxton, Dave; Henning, Alan; Wu, Jennifer; allison.castellan@noaa.gov; Solloway, Chris; Flahive, Katie; Rueda, Helen; Parry, Roberta; Melissa Rada - NOAA Affiliate; Sweeney, Stephen; Byrne, Jennifer; ['jeff.dillen@noaa.gov'](mailto:jeff.dillen@noaa.gov)

Cc: Psyk, Christine; Hall, Lynda; Joelle Gore - NOAA Federal

Subject: **Ex. 5 - Deliberative**

Ex. 5 - Deliberative

Ex. 5 - Deliberative

-Don

From: Carlin, Jayne

Sent: Tuesday, September 02, 2014 12:24 PM

To: Waye, Don; Croxton, Dave; Henning, Alan; Wu, Jennifer; allison.castellan@noaa.gov; Solloway, Chris; Flahive, Katie; Rueda, Helen; Parry, Roberta; Melissa Rada - NOAA Affiliate; Sweeney, Stephen; Byrne, Jennifer; ['jeff.dillen@noaa.gov'](mailto:jeff.dillen@noaa.gov)

Cc: Psyk, Christine; Hall, Lynda; Joelle Gore - NOAA Federal

Subject: Agenda for Sept 2 OR CZARA Tech/Legal Team Call (10 AM WA/OR or 1 PM DC), **Non-Responsive**

Non-Responsive

OR CZARA Tech/Legal Team Meeting

September 2 at 10 AM WA/OR or 1 PM DC

Non-Responsive

Agenda

Introductions & Updates

Follow up/Action Items from August 26 Call

Prep for Managers Meeting

- Forestry/Riparian Rationale (Alan)
- Forestry/landslides Rationale and update—questions answered and information needed in order to elevate (Alan)

Ex. 5 - Deliberative

- Review of revised agenda for managers meetings (see below)

Action Items

August 26th OR CZARA Action Items (Draft Agenda for Mgrs Meeting & Upcoming Meetings)

Draft Agenda for September 4th meeting (90 minutes)

- Introductions/New Directions/Agenda Review/Action Items from Aug 20th meeting (Jayne)
- Forestry/Riparian Rationale (Alan)
- Forestry/landslides Rationale and update/talking points/rationale—questions answered and information needed in order to elevate (Alan)

Ex. 5 - Deliberative

- Action Items/Next Steps

Action Items

Ex. 5 - Deliberative

- All will review the Ag MM paper to better prepare for the Sept 4th call (*topic postponed until mid to late September*).
- Legal team will complete the review of the rationales for interim approval for OSDS and New Development MMs and provide comments to Don Waye by August 29.
- The managerial team will complete the reviews the rationales for interim approval for New Development MMs and OSDS and provide comments to Don Waye by August 29.
- Joelle/Allison will follow up with Jeff on the date that the legal team will complete the talking points for management and to help the technical team craft a response to comments regarding additional management measures.
- Allison will email the most current version of the response to comments document to the tech team (*done*).
- Forestry/landslides team will provide the following information to the managerial team in the form of talking points: comparison to how Washington addresses high risk landslides' potential impact to water quality in forested areas; EPA/NOAA expectations and suggestions on how Oregon can address this additional MM; whether we have the data to identify landslide prone areas and nearby receiving waters. *Will be discussed on Sept 4th call.*
- Alan will talk with Theresa on Allison's work on responses to general forestry comments.
- Tech team will update the attached table on status (including new column on "Mgr Talking Points").
- Tech and legal teams will review attached standard language on concerns raised on MMS on which EPA/NOAA did not request comment by September 2.

Upcoming September Meetings

Sept 4	9/12	OR CZARA Mgrs
Sept 9	10/1	OR CZARA
Sept 10	12/3	OR CZARA Mgrs
Sept 16	10/1	OR CZARA

Sept 18	12/3	OR CZARA Mgrs
Sept 22	10/1	OR CZARA Mgrs
Sept 23	10/1	OR CZARA
Sept 29	10:30/1:30	OR CZARA Mgrs
Sept 30	10/1	OR CZARA

Regards,

Jayne

Jayne Carlin, Watersheds Unit
US EPA, Region 10
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<http://www.epa.gov/r10earth/tmdl.htm>

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Allison Castellan
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